

REMARKS

Claims 1, 3-6, 9-23, 27-29, 33-41 and 44-52 were pending at the time the present Office Action was mailed. Claim 1 has been amended, and claim 52 has been cancelled in this response without prejudice and without commenting on or conceding the merits of the outstanding rejections. Accordingly, claims 1, 3-6, 9-23, 27-29, 33-41 and 44-51 are now pending.

In the Office Action mailed March 14, 2006, claims 1, 3-6, 9-23, 27-29, 33-41, and 44-52 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) claims 1, 3-6, 9-23, 27-29, 33-41 and 44-50 were rejected under 35 U.S.C. § 112, first paragraph;

(B) claim 52 was rejected under 35 U.S.C. § 112, second paragraph; and

(C) claims 1, 3-6, 9-17, 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,113,662 to Sprules ("Sprules").

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on August 10, 2006, and requests that this paper constitute the applicant's Interview Summary. During the telephone interview, the pending claims, the foregoing rejections, Sprules, and a proposed amendment to claim 1 were discussed. The Examiner agreed to withdraw the Section 112, first paragraph rejection and tentatively agreed, pending further review by her supervisor, that the proposed amendment patentably distinguishes claim 1 over Sprules for at least the following reason. Sprules fails to disclose or suggest a pellet including "municipal solid waste, resulting from a municipal solid waste stream comprising household and industrial waste." Rather, Sprules' composition includes "at least 50% by weight of dried spent coffee grounds; and the balance a combustible binder." (Sprules, 3:1-2.) In fact, Sprules teaches away from the

above-noted claim feature, stating, "[s]ince coffee can be obtained in a relatively homogeneous mixture from food processing establishments, it is less likely to contain impurities such as found in sawdust (e.g. dirt rocks, and metals from bark, furniture finishing processes, sawmills)." (Sprules, 7:29-33.)

A. Response to the Section 112, First Paragraph Rejection

Claims 1, 3-6, 9-23, 27-29, 33-41 and 44-50 were rejected under 35 U.S.C. § 112, first paragraph. In light of the agreement reached during the August 10 telephone conference, the rejection of these claims should be withdrawn.

B. Response to the Section 112, Second Paragraph Rejection

Claim 52 was rejected under 35 U.S.C. § 112, second paragraph. Claim 52 has been cancelled in this response and therefore the rejection of this claim is now moot.

C. Response to the Section 103(a) Rejection

Claims 1, 3-6, 9-17, 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprules. In light of the agreement reached during the August 10 telephone conference, the rejection of these claims should be withdrawn.

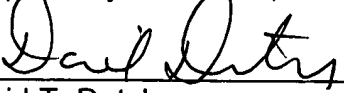
D. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-6465.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 356828002US from which the undersigned is authorized to draw.

Dated: August 14, 2006

Respectfully submitted,

By 

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